

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DANA RICKETTS,

Plaintiff,

-against-

ORDER
20-CV-2631 (JS) (ARL)

SUFFOLK COUNTY CORRECTIONAL FACILITY,
SUFFOLK COUNTY CORRECTIONAL OFFICERS,

Defendants.

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APPEARANCES

For Plaintiff: Dana Ricketts, pro se
354 Ogden Street
Orange, New Jersey 07050

For Defendants: No appearances.

SEYBERT, District Judge:

On June 5, 2020, Dana Ricketts ("Plaintiff"), proceeding pro se, filed an in forma pauperis Complaint in this Court. (See Compl., D.E. 1, I.F.P. Mot., D.E. 2, 6.) By Order dated August 12, 2020, Plaintiff's application to proceed in forma pauperis was denied without prejudice and with leave to renew within fourteen (14) days upon completion of the enclosed AO 239 ("Long Form") application. (See Order, D.E. 7 at 1, 3.) Alternatively, Plaintiff was instructed to remit the \$400.00 filing fee. (See Order, D.E. 7 at 1, 3.) The Order warned Plaintiff "that a failure to timely comply with this Order will lead to the dismissal of the Complaint without prejudice and judgment will enter." (See Order, D.E. 7 at 3-4.)

Having failed to comply, but considering Plaintiff's pro se status and the national emergency caused by the COVID-19 pandemic, by Electronic Order dated September 11, 2020, the Court afforded Plaintiff a final opportunity to comply with the August 12, 2020 Order. Accordingly, Plaintiff was ordered to either remit the filing fee or file the Long Form in forma pauperis application within fourteen (14) days and was warned that a failure to timely comply "will lead to the dismissal of his Complaint without prejudice pursuant to Federal Rule of Civil Procedure 41(b) and judgment shall enter." (See Electronic Order, dated Sept. 11, 2020.)

To date, Plaintiff has not responded to either of the Court's Orders, nor has he otherwise communicated with the Court about this case. Accordingly, it appears that Plaintiff is no longer interested in pursuing this case and the Complaint is thus DISMISSED WITHOUT PREJUDICE pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute. The Court directs the Clerk of the Court to enter judgment accordingly, mark this case CLOSED, and mail a copy of this Order to the pro se Plaintiff at his address of record.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for the purpose

of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

SO ORDERED.

/s/ Joanna Seybert
JOANNA SEYBERT, U.S.D.J.

Dated: November 10, 2020
Central Islip, New York